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SUBJECT: PRESIDENT COLOM ORDERS DECLASSIFICATION OF
MILITARY ARCHIVES

REF: 07 GUATEMALA 1530

¶1. Summary: On February 25, in commemoration of Guatemala's National Day of Dignity of Victims, President Colom announced that the government will declassify, and open to the public, military archives that contain information on human rights violations committed during the country's internal conflict. While human rights leaders hailed the decision as key to clarifying the fate of thousands of disappeared persons and to seeking justice, others criticized the decision as unconstitutional and politically motivated. It is not clear whether operational files from the conflict era still exist. End Summary.

¶2. On February 25, Guatemala commemorated the National Day of Dignity of Victims in memory of the more than 200,000 victims of the country's internal conflict. More than 3,000 persons, including Cabinet members, government officials, and members of the international community, press, civil society, and indigenous organizations, attended the 10th annual event, while leaders of the National Movement of Victims and other human rights activists demonstrated outside the National Palace of Culture. Demonstrators urged the government to intensify efforts to investigate human rights abuses and to reactivate cases against former military officers accused of engaging in gross human rights violations during the conflict. They demanded reparations promised by the state and sanctions against those responsible for "genocide."

¶3. In his keynote address, President Colom acknowledged that the state committed atrocities during the armed conflict and that it has an obligation to clarify the past. He stated that the government would undertake all necessary efforts to seek the truth and to ensure justice. He announced that the government would declassify and open military archives that contain information on human rights violations committed during the internal conflict. He also reaffirmed his commitment to full transparency and to the protection of human rights, especially to constructing a functioning judicial system and redressing victims of the internal conflict. Colom called on his Secretary of Peace and Human Rights, former human rights activist Orlando Blanco, to form a task force to locate and analyze the military archives with the aim of determining which documents can be declassified. Colom committed to addressing legal challenges to ensure the public disclosure of military documents.

¶4. Blanco reiterated Colom's commitment to human rights, highlighting as a priority the national program of reparation to victims, including restoration of houses, creation of jobs, expansion of exhumation programs, and access to health care and educational opportunities. He stated his goal of creating a society that respects the rule of law. He affirmed that, with the support of human rights activists, he would seek the necessary legal mechanisms to implement the President's order with the aim of contributing to historical

clarification. As an initial step, he and his team will conduct a search at various military institutions to locate the archives. He noted that some of the archives are in the Public Ministry, while others are housed in military institutions. Blanco indicated that it could be months before they locate all the archives, and warned that they may not find all the documents. Nonetheless, he said, they will focus on seeking documents pertaining to the most violent period (1979-1983) of the internal conflict, and most importantly to prosecuting those responsible for human rights violations.

¶5. Vice Minister of Defense Carlos Alvarado told the press that the Ministry will fully comply with the President's order. He noted, however, that he has no knowledge of the location, content, or number of documents that Colom will request. Once the documents have been located and identified, they will be delivered to the Human Rights Ombudsman, but will not be made public until all legal questions have been resolved.

¶6. Human rights leaders hailed the decision as important for clarifying the fate of thousands of Guatemalans who disappeared during the internal conflict. They believed the decision would facilitate families' search for the disappeared and reconciliation efforts, and enable Guatemala to move forward while remembering the past. Critics, however, argued that the decision contravenes the constitution, which protects military archives as a matter of national security, and characterized the decision as more political than legal. Former presidential candidate and retired General Otto Perez Molina described the announcement as a purely "political measure," while a political analyst reportedly complained that Colom was "exploiting people's morbid curiosity." Others viewed it as an attempt to preempt

Perez Molina's possible future bid for the presidency.

¶7. Comment: Colom's announcement early in his term is a positive affirmation of his long-standing commitment to a transparent government focused on human rights and social development. Guatemala's lack of a Freedom of Information Act and the constitution's lack of clear definition of "national security," however, leave open the possibility of broad interpretation, which may pose serious legal challenges. In a 2007 court ruling on four military plans allegedly used during the 1980s (reftel), the Ministry of Defense argued on appeal, based on national security grounds, that the plans could not be used as evidence in the Rios Montt case. It is also not clear that the military continues to possess files from the conflict period that would shed light on military operations. When President Berger took office in 2004, he turned over to the Human Rights Ombudsman over a million pages of files from the notorious Presidential Guard (Estado Mayor Presidencial). The files turned out to be accounting records.

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